
San Francisco Bay Regional Water Quality Control Board

June 30, 2022
File No. 1210.59 (AK)
Site ID: 2020598

Univar USA Inc.
4106 Fairfax Dr.
Upper Arlington, OH 43220
Attn: Mark Metcalf

Sent via email: Mark.metcalf@univarsolutions.com
Theresa.Lorentson@vwr.com

SUBJECT: Annual Estimate for SCP Cost Recovery Oversight for the Former VWR Facility, 3745 and 3775 Bayshore Blvd, Brisbane, San Mateo County

Dear Mr. Metcalf:

California Water Code (Porter-Cologne), section 13304, allows the Regional Water Board to recover reasonable expenses from a responsible party for overseeing site investigation and cleanup of unregulated discharges adversely affecting the State's waters. It is our intent to continue to recover costs for regulatory oversight work conducted at this site in accordance with section 13304. In compliance with Porter-Cologne, section 13365, this letter is being sent to provide you with the following information regarding costs for regulatory oversight work:

1. A detailed estimate of the work to be performed or services to be provided.
2. A statement of the expected outcome of that work.
3. The billing rates for individuals and classes of employees expected to engage in the work.
4. An estimate of all expected charges to be billed to you by this agency.

Estimate of Work to Be Performed

Board staff estimates that the following work will be performed during fiscal year 2022/2023:

- Review technical work plans and reports, and monitoring reports;
- Conduct internal communications (i.e. meetings, memos, etc.) regarding project and written and telephone communications with discharger, its representatives and interested third parties as needed; and,

JIM McGRATH, CHAIR | THOMAS MUMLEY, INTERIM EXECUTIVE OFFICER

- Perform site inspections.

Statement of Expected Outcome

The following is the expected outcome of work that will be performed during the fiscal year 2022/2023:

- Review and respond to work plans, proposed cleanup plan for Parcel B, and monitoring reports;
- Maintain contact with other interested agencies and consultants; and,
- Perform occasional site inspections as needed.

Billing Rates

Enclosed are the billing rates for employees expected to perform the work. The names and classification of employees that charge time to this site will be listed on the invoices. The average billing rate is about \$205 per hour.

Estimation of Expected Charges

Board staff expects to charge about 80 hours of work related to this site during fiscal year 2022/2023 (July 1, 2022 through June 30, 2023). Based on the average billing rate of \$205 per hour, the estimated billing charge for this site during fiscal year 2022/2023 is about \$16,400.

Electronic Reporting

As a reminder, Code of Regulations, Title 23, Division 3, Chapter 30 and Title 27, Division 3, Subdivisions 1 and 2, requires you or your consultants to electronically submit analytical laboratory data in electronic deliverable format for soil, vapor, and water samples, site map (i.e., GEO_MAP), boring/well survey information, depth to groundwater, boring logs and well screen intervals, location data (i.e., GEO_XY file), elevation data (i.e., GEO_Z file), and technical reports (e.g. work plans, assessment, and monitoring reports) in portable data format (PDF) to the State Water Resources Control Board (State Water Board) GeoTracker database over the internet at: http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml

If you have any questions, please contact me at (510) 622-2427 or by email at alyx.karpowicz@waterboards.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Alyx Karpowicz". The signature is written in a cursive style with a large, stylized 'A' and 'K'.

Alyx Karpowicz
Case Manager

Attachments: Reimbursement Process for Regulatory Oversight
Billing Cost Explanation

ATTACHMENT 1 - REIMBURSEMENT PROCESS FOR REGULATORY OVERSIGHT

We have identified your facility or property as requiring regulatory cleanup oversight. Pursuant to the Porter-Cologne Water Quality Control Act, reasonable costs for such oversight can be recovered by the Regional Water Quality Control Board (Regional Water Board) from the responsible party. The purpose of this enclosure is to explain the oversight billing process structure.

For the purposes of the billing process, the responsible party who signs the agreement as the “authorized representative” becomes the legally responsible billing party. The “authorized representative” is assuming responsibility for receiving and paying the invoices. In short, State Water Board will pursue collection efforts on the “authorized representative.” For sites with multiple parties who are legally named as responsible parties for the environmental liability, invoices are typically only sent to one person and this person is the legally responsible billing party. Conversely, a developer or other third party may voluntarily enroll in cost recovery without environmental liability.

Introduction

The Porter-Cologne Water Quality Control Act authorizes the State Water Resources Control Board (State Water Board) to set up Cost Recovery Programs. The Budget Act of 1993 authorized the State Water Board to establish a Cost Recovery Program for the Site Cleanup Program (SCP). The program is set up so that reasonable expenses incurred by the State Water Board and Regional Water Boards in overseeing cleanup of illegal discharges, contaminated properties, and other unregulated releases adversely impacting the State's waters can be reimbursed by the responsible party. Reasonable expenses will be billed to responsible parties and collected by the Fee Coordinator at the State Water Board in the Division of Financial Assistance.

The Billing System

Each cost recovery account has a unique charge number assigned to it. Whenever any oversight work is done, the hours worked are charged to the account number on the employee's time sheet. The cost of the hours worked is calculated by the State Accounting System based on the employee's salary and benefit rate and the State Water Board overhead rate.

State Water Board and Regional Water Board administrative charges for work such as accounting, billing preparation, general program meetings and program specific training cannot be charged directly to an account. This work will be charged to administrative accounting codes. The Accounting Office totals these administrative charges for the billing period and distributes them back to all of the accounts based on the number of hours charged to each account during that billing period. These charges show as State Water Board Program Administrative Charges and Regional Water Board Program Administrative Charges on the Invoice.

Attachment 1

The Overhead Charges are based on the number of labor hours charged to the account. The overhead charges consist of rent, utilities, travel, supplies, training, and personnel services. If there is no labor charged to the account during the billing period, there will be no overhead charges for that billing period with the exception of the last month of each fiscal year. This is due to the fact that the labor charges end June 30 for the current fiscal year. However, several kinds of overhead charges such as supply orders and travel expenses are paid after the fiscal year ends. The State Water Board Accounting Office keeps track of these charges and distributes them back to all of the accounts based on the number of hours charged to each account for the whole fiscal year that has just ended.

Therefore, the quarterly statements for the last month of the fiscal year could show no labor hours charged for the billing period, but some overhead charges could be charged to the account.

Invoices are issued quarterly, one quarter in arrears. If a balance is owed, a check is to be remitted to the State Water Board with the invoice remittance stub within 30 days after receipt of the invoice. The Accounting Office sends a report of payments to the Fee Coordinator on a quarterly basis.

Copies of the invoices are sent to the appropriate Regional Water Boards so that they are aware of the oversight work invoiced. Questions regarding the work performed should be directed toward your Regional Water Board project manager. If the responsible party becomes delinquent in its quarterly payments, oversight work may cease immediately.

Work will not begin again unless the payments are brought up-to-date.

Daily Logs

A detailed description (daily log) of the actual work being done at each specific site is kept by each employee in the Regional Water Board who works on cleanup oversight at the property. This information is provided on the quarterly invoice using standardized work activity codes to describe the work performed. *Upon request, a more detailed description of the work performed is available from the Regional Water Board staff.*

Agreement

If this site is subject to a 13304 Order, the responsible party of the property is required to acknowledge that he/she understands the reimbursement process and billing procedures for appropriate cleanup oversight costs. If the site is not under a 13304 Order, no cleanup oversight will be performed until this acknowledgement is received. You may wish to consult an attorney in this matter.

As soon as the acknowledgment is received, the account will be added to the active SCP Cost Recovery billing list and oversight work will begin. If the site is subject to an

order, you may receive an invoice for the costs incurred preparing the Order.

Removal from the Billing System

After the cleanup is complete, the Regional Water Board will submit a closure form to the State Water Board to close the account. If a balance is due, the Fee Coordinator will send a final billing for the balance owed. The responsible party should then submit a check to the State Water Board to close the account.

If the site is not subject to an Order, an RP may request to discontinue their regulatory oversight. Please submit a request in writing explaining the reason that you request to terminate oversight and the effective date. You will be billed for all charges incurred until this request is made in writing or the effective date, whichever is later. If the request is due to a change in ownership, please provide contact information for the new owner and describe any agreement with them regarding payment for cleanup and oversight costs.

Regional Water Board Dispute Resolution

The Regional Water Board staff provides each responsible party (upon request) with daily logs of actual oversight work done and supporting accounting information for the responsible party's site. If, upon the receipt of the billing statement, the responsible party disputes the amount due, the responsible party may follow the dispute resolution procedure described below. If the responsible party follows the procedure, the Regional Water Board will not initiate, except as noted, enforcement action for failure to reimburse the State Water Board. During this procedure, the responsible party is encouraged to confer with Regional Water Board staff at any time to discuss the areas in question and attempt to resolve the dispute.

1. The responsible party must notify the Regional Water Board in writing within 30 calendar days of receipt of the billing statement to indicate that it disputes the billing statement and requests a meeting with the Regional Water Board Assistant Executive Officer. This notification must indicate the specific areas of dispute and provide all appropriate support documentation. Upon completion of the meeting, the Assistant Executive Officer will provide a recommendation to the Regional Water Board Executive Officer on the dispute and recommend an amount due, based on documentation provided by both the responsible party and the Regional Water Board staff at the meeting. The Executive Officer will submit a written decision and resultant amount due to the responsible party and specify the new due date by which the resultant amount due must be paid to avoid enforcement action. This due date will be not less than ten working days from the date of the Executive Officer's written decision.
2. If, upon receipt of the Executive Officer's written decision, the responsible party still disputes the amount due and so notifies the Executive Officer by the new due date, the Executive Officer will schedule an appeal hearing of the decision before the Regional Water Board at the next appropriate monthly meeting. The

Executive Officer may also consider recommending that the Regional Water Board take enforcement action for the responsible party's failure to pay the resultant amount due by the new due date if the Regional Water Board finds the responsible party's appeal without basis. Any amount due and not appealed to the Regional Water Board will be considered a violation of the Regional Water Board's order.

California Code of Regulations - Dispute Resolution

If a dispute regarding oversight charges cannot be resolved with the Regional Water Board, section 13320 of the California Water Code provides an appeal process to Regional Water Board decisions. Regulations implementing Water Code section 13320 are found in Title 23 of the California Code of Regulations, section 2050.

Electronic Reporting

Code of Regulations, Title 23, Division 3, Chapter 30 and Title 27, Division 3, Subdivisions 1 and 2, requires you or your consultants to [electronically submit](#) analytical laboratory data in electronic deliverable format for soil, vapor, and water samples, site map (i.e., GEO_MAP), boring/well survey information, depth to groundwater, boring logs and well screen intervals, location data (i.e., GEO_XY file), elevation data (i.e., GEO_Z file), and technical reports (e.g. work plans, assessment, and monitoring reports) in portable data format (PDF) to the State Water Resources Control Board (State Water Board) GeoTracker database over the internet at:

http://www.waterboards.ca.gov/ust/electronic_submittal/index.shtml

**STATE WATER RESOURCES CONTROL BOARD
SITE CLEANUP PROGRAM (SCP)
BILLING COST EXPLANATION
Fiscal Year 2022-2023**

Employee Salary and Benefit by Classification [1]	Salary/Benefits Range	
AEO - Assistant Executive Officer CEA	\$ 11,143	\$ 26,995
ADMOFFII - Admin Officer II	\$ 8,341	\$ 10,364
AGPA - Associate Governmental Program Analyst	\$ 7,709	\$ 9,942
AFCNSL - Staff Counsel (Attorney)	\$ 9,995	\$ 15,140
SFCNSLIII - Staff Counsel III (Attorney)	\$ 14,287	\$ 18,328
SFCNSLIV - Staff Counsel IV (Attorney)	\$ 15,782	\$ 20,263
BSA - Business Serv Asst	\$ 4,374	\$ 6,891
EG - Engineering Geologist	\$ 8,376	\$ 15,770
EPMI - Environmental Program Manager I	\$ 16,204	\$ 20,144
EPMII - Environmental Program Manager II	\$ 18,806	\$ 21,364
ES - Environmental Scientist	\$ 5,936	\$ 11,351
EOI - Exec Officer I	\$ 21,626	\$ 24,568
EOII - Exec Officer II	\$ 22,155	\$ 25,165
OA - Office Assistant	\$ 4,024	\$ 5,627
OT - Office Technician	\$ 4,707	\$ 6,068
PWRCE - Principal Water Resources Control Engineer	\$ 19,706	\$ 22,382
PPS - Public Participation Specialist	\$ 7,709	\$ 9,651
SEA - Sanitary Engineering Associate	\$ 8,690	\$ 10,880
SET - Sanitary Engineering Technician	\$ 5,986	\$ 8,600
SEG - Senior Engineering Geologist	\$ 14,766	\$ 18,481
SRES - Senior Environmental Scientist	\$ 14,013	\$ 17,421
SRES - Senior Environmental Scientist (Spec)	\$ 10,506	\$ 13,069
SWRCE - Senior Water Resources Control Engineer	\$ 14,766	\$ 18,481
SSA - Staff Services Analyst	\$ 4,938	\$ 8,266
SUEG - Supervising Engineering Geologist	\$ 16,220	\$ 20,303
SUWRCE - Supervising Water Resources Control Engineer	\$ 16,220	\$ 20,303
WRCE - Water Resources Control Engineer	\$ 8,376	\$ 15,690
<u>Intermittent Employees:</u>		
SA - Scientific Aid	\$15.68/hour	\$18.60/hour

Note: The State is currently in negotiations with the unions so the upper limits of these ranges may be subject to change.

Attachment 2

Operating Expenses and Equipment [2] (both State and Regional Board offices) Indirect Costs (Overhead = cost of doing business)

131%

Billing Example for One Month Salary

WRCE - Water Resources Control Engineer

Total Direct Labor Charges [3] (per month):

\$ 15,690

Contract Charges (if applicable):

\$ -

Direct Labor Overhead:

\$ 11,772

State Board Program Admin and Overhead:

\$ 2,358

Regional Board Program Admin and Overhead:

\$ 6,433

Total Cost (per month):

\$ 36,253

Divided by 176 hours per month equals per hour:

\$206

(Due to the various classifications that expend SCP resources an average of **\$205.00** per hour can be used for projection purposes.)

- [1] The name and classification of employees performing oversight work will be listed on invoices you receive.
- [2] The examples are estimates based on recent billings. Actual charges may be slightly higher or lower.
- [3] Total Direct Labor Charges = Salary and Benefits